**ITEM 1: CALL TO ORDER:** Mayor Flaute called the Riverside, Ohio City Council Meeting to order at 6:00 p.m. at the Riverside Municipal Center located at 1791 Harshman Road, Riverside, Ohio.

**ITEM 2: ROLL CALL:** Council attendance was as follows: Ms. Campbell, present; Mr. Denning, present; Mr. Fullenkamp, present; Mrs. Reynolds, present; Mr. Schock, present; Deputy Mayor Smith, present; and Mayor Flaute, present.

Staff present was as follows: Bryan Chodkowski, City Manager; Bob Murray, Planning and Economic Development; Mitch Miller, Service Department; Mark Reiss, Police Department; Dave Stitzel, Fire Department; and Bob Gillian, Finance Department.

**ITEM 3: EXCUSE ABSENT MEMBERS:** There were no absent members.

**ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA:** There were no additions or corrections to the agenda

**ITEM 5: APPROVAL OF AGENDA:** A motion was made by Mrs. Reynolds to approve the agenda as submitted. Mr. Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

**ITEM 6: WORK SESSION ITEMS:**

1. Presentation for revising the Zoning Code to include Bees and Chickens: Terry Smith & Bill Starrett from the Greene County Beekeepers Association

Mayor Flaute said the first item is something he asked to be placed on the agenda; he knows we won’t be voting on any changes until the review is done but he wanted to get more information out there. He said he also included in the packet information he got from a website called Backyard Chickens and if council wanted to have a discussion on that as well as to gain further information, he was given the name of a person who would be more than happy to come and talk about it. He said a majority of council can let him know or if any council member wants to talk about, they are free to put it on the agenda. He said tonight we have 2 special people here from the Greene County Beekeepers Association; he welcomed Mr. Bill Starrett and Ms. Terry Smith.

Mr. Starrett said he hoped everyone saw them being here as a source of information rather than only a lobby on behalf of bees and beekeeping. He said of course we are in favor of beekeeping but every community has to make a decision relative to their own city. He said he has been a beekeeper since 1964 and he served through the 1970s as a Greene County Bee Inspector, and then again in the late 1990s and early 2000s. He said currently he teaches a beginning beekeeping class for Greene County Parks; he’s done that for the last 15 years and for half that time, Ms. Smith has been his assistant and associate.

Mr. Starrett said this past December they were asked to make a presentation to the Planning and Zoning Workshop in Montgomery County at Sinclair College and it was well received. He said the purpose was to give them the same kind of information we want to present this evening. He said he has a PowerPoint Presentation with the first half sharing relevant information about bees and the second half addresses specific things you would want to consider if you were to enact a permissive ordinance. He said ordinances can either be permissive or restrictive and can vary from A to Z in being restrictive.

Mr. Starrett said commercial beekeeping is where a truckload of bees is temporarily brought in for the cross pollination of a crop and then they are removed. He said hobbyist beekeepers will have the bees year around with a 1 or 2 hive set up. He displayed photos of hives in urban settings.

Mr. Starrett said commercial bees have been on decline for a long time. He said at one time there were almost 6 million in the state with Ohio having the highest density of hives of all the states; we are now down to just slightly over 2 million. He said what happened to commercial beekeeping has happened to hobbyist beekeeping and the question is why we should allow urban and suburban beekeeping. He said most reasons, in his opinion, will make some improvement: pollination of gardens, and in this day and age where we have communities being planned for green space, beekeeping is a compliment to that kind of planning.

Mr. Starrett said a lot of people wonder why communities would want to start having bees but the question is when did beekeeping end in communities. He said the growth of cities obviously limits the opportunity for bees to be kept out in the rural areas and yet, people are able to successfully keep them in a high density area. He displayed a chart showing inspection statistics for Ohio at 5 year intervals and said while inspection doesn’t tell us the absolute number of hives, it is relative and the number of hives has been on the decline since WWII, down to about 14,000 hives in the State of Ohio. He said the pollination we need for our gardens, our flowers, wild vegetation, and nut crops is not being done as efficiently as it used to be. He said when we got a certain insecticide in our country in 1987, within just 3 or 4 years, it was from one end of the country to the other and the USDA stated that 90% of all the honey bees, domestic and feral, were destroyed. He said we are still fighting that and California cannot get enough bees out there for the pollination of their nut crop.

Mr. Starrett said there are problems we have in trying to have bees in urban areas today; the first myth is that all stinging insects are bees. He said even the medical profession who like to use very precise definitions were referring to stings by non-bees as bees which kind of highlights the problem we have. He displayed pictures of other stinging insects such as the bald-faced hornet, the mud-dauber wasp, bumble bees, cicada-killer wasps, and the yellow-jacket wasp. He said the yellow-jacket wasp is responsible for about 80% of the stings people get. He said they typically make a burrow in the ground, line it with a paper nest, and if someone mows over that nest, the yellow-jackets come out and people get stung. He said most of the deaths that are the results of stings are from yellow-jacket wasps. He said these are the ones that come around your picnic tables and your pop cans. He said they can make a globular nest but typically they are in the ground or the walls of your house. He displayed pictures of a yellow-jacket wasp and a honey bee and said they are similar in shape, similar in coloration, and in his opinion, most that are claiming they are getting stung by bees are actually getting stung by yellow-jackets. He said they are a very aggressive insect, along with the hornet, and hard to deal with. He said away from their nests, they are pretty much non-stinging; it’s when their nest is disturbed that they become a threat to sting. He displayed a photo of Kay Solomon, a Peace Corp worker who went to Central America to teach them how to manage the Africanized honey bees; the photo showed her with a “bee-beard” to demonstrate that even the killer-bee can be managed when the nest is not disturbed.

Mr. Starrett said back in the late 1960s and early 1970s, he maintained an observation hive in the library of Ferguson Junior High School in Beavercreek and the years they had it there the bees were never a problem; the problem was the kids – pencils had a way of getting poked through the ventilation holes and occasionally we had bees in the library. He said it was a wonderful educational thing and whenever he went to the library, he would immediately be surrounded by kids.

Mr. Starrett said he hears all the time that someone is allergic to stings; a person may be allergic to some kinds of stings and not to others. He said honey bee, wasp, and hornet venom is alkaline and the human body responds differently to each of those. He said all of us are sensitive and the affect is usually local but even sensitivity can be from A to Z. He said an allergic reaction is something that affects the whole body and that can be serious or it can be mild. He said the people who know they are allergic generally carry an epi-pen with them whenever they are outside. He said statistically the very first time a person is stung by a wasp, they can have an allergic reaction; with honey bees, an allergic reaction cannot take place until after a person has already been stung once and has built up antibodies which create the histamines that cause the allergic reaction. He said honey bee stings are to beekeepers and their families, not to the general public. He said all the stinging insects that fly around your house, with the exception of the bumble bee and the honey bee, is what people have had their experience with.

Mr. Starrett said when he started beekeeping, he kept a hive in his parent’s back yard, almost a one half acre lot, and it was not a problem. He said he and his father knew that if people could see the hive, any sting that took place within a 3 block area would be blamed on his bees. He said to reduce the visibility, we painted the hive green. He said it was a rare year that we didn’t get 100 pounds of surplus honey off that hive while out in the country his average was 30 pounds. He said that confirms what we know, that the honey and the benefit to the bees is where the people are who have the gardens and flowers by which they benefit.

Mr. Starrett said some of the things a city should seriously consider in the event they decided to enact a permissive ordinance: the needs of the honey bees, where hives should be located on lots; temperament of the bees, and the number of hives. He said first, water has to be provided for the bees to maintain humidity and provide air conditioning to the hive. He displayed examples of providing water for bees. Mayor Flaute asked if the bees will always go to the closest water source. Mr. Starrett said not always. He said you can require a flight barrier – fencing or shrubbery in the vicinity of the hive that forces the bees to fly upward which in his opinion it is the single most effective way to deal with bees in an urban setting. He said it forces the bees to fly up above head level unless they are foraging on clover in the yard and that’s where they would be defensive. He said you could put 40 hives in a room this size but most of our beekeepers are a 1 or 2 hive beekeeper. He said temperament is an important thing and when we teach our class it is one of the things we emphasize, you have to monitor the temperament of those bees and if they show any signs of aggressiveness, they have got to be re-queened. He said the reputation of all beekeepers is determined by what each individual beekeeper does.

Mr. Starrett said another thing we teach our students – prevent swarming. He said you can’t totally prevent bees from swarming, they naturally reproduce colonies. He said in the spring a hive will produce a whole lot of queen cells and the old queen will leave with half of the bees to start a new hive somewhere. He said the bees have to land somewhere and he displayed examples of swarms on picket fences or hanging from a tree. He said when bees are swarming they are very gentle; they are loaded with honey and they are not looking for a fight. He said every year we are called to remove swarms, even in Riverside.

Mr. Starrett said many of our large metropolises are doing an about face; many have prohibitive ordinances and they are now changing that for some of the same reasons we are promoting beekeeping – the benefit that individuals get and the pollination that they do. He displayed several photos of urban beekeeping.

Ms. Campbell asked if a person has to get a permit to have bees. Mr. Starrett said some cities require a permit and others do not; all bees in the State of Ohio have to be registered. He said one of the things that’s put in some of the ordinances is the person’s registration number be put on the side of the hive; the Department of Agriculture requires that hives that are at a location other than where a beekeeper resides must have the registration number, the beekeeper’s name, and a phone number posted somewhere in the apiary. He said you have the power to require that information on the hives but it’s creating a hoop that’s unnecessary unless the bees are at a location other than where the beekeeper lives.

Ms. Campbell asked how the inspectors knew where the bees are located. Mr. Starrett said the state registers them and sends the inspector a registration list. He said the inspector inspects for diseases that are of harm to the bees; it has nothing to do with the honey for human consumption. Ms. Campbell said she hasn’t seen any lately – bees are scarce, you usually see them around trash cans. Mr. Starrett said most of those around trash cans are yellow-jackets. Mr. Starrett reviewed more photos of hives in urban settings. He also showed a photo of an observation apiary sponsored by the Greene County Beekeepers where there are hives in an enclosure on Indian Ripple Road. He said the enclosure is not to keep the bees from bothering the people; it’s to keep the people from bothering the bees. He said we’ve had very good success there and there have not been stinging incidents but if you have a nature facility or anything like that in your community to have a prohibitive ordinance, that educational opportunity would no longer be available.

Mr. Starrett said the third item on the sample ordinance states general strains of honey bees can be maintained within populated areas. He said there are general strains of bees available; that’s what we encourage our beekeepers to constantly monitor and make sure they are gentle. He said registering hives with the state is not an option and the state requires them to be moveable frame hives so the combs can be taken out and inspected. He said he believed fencing the fly-aways is a legitimate way to deal with them. He said of course water is required; queens and disposition of the bees go together; and then number of hives to permit is another issue.

Mr. Starrett said that is the presentation and they would be glad to answer any questions. Mayor Flaute said council first then we will go to the audience.

Mr. Denning asked how difficult bees are to maintain. Mr. Starrett said we would like to think they are self sustaining but in this day and age when we have a number of parasites of bees, it is an ongoing struggle to keep hives going. Ms. Smith said beekeeping is a very family or single person oriented hobby; you can lose a lot of time out there but no, they don’t take up a lot of time. She said during the winter there is nothing you can do. She said it is basically monitoring them and working with them to prevent the swarming; working with them to make sure they have good queens, working with them to make sure that if there’s a honey flow coming on that you give them enough space; but is it a 24/7 job – no; probably a few hours per week. She said if you are new at the hobby you will be at the hives more than after you’ve done it a while.

Mr. Starrett said it is a huge learning curve; there are diseases you have to look for and be aware of and the biggest thing our students seem to have a problem with is whether or not the hive is queen-right. He said there are certain characteristics of a failing queen and we try to make the students aware of that. He said while we are volunteers for Greene County Parks, we are almost full time employees; we are called on all the time. He said this past year we had 51 students enrolled which tells you what has happened to the interest in beekeeping – partly because of the shortage of bees as well as there is a lot of want-to-be-beekeepers out there and our class gives them the details.

Ms. Smith said we tell people to check the zoning in their community; we don’t want people to break the law. She said we try to live by the rules and if the rules aren’t right we try to educate people. She said a week ago we had over 150 people at our tiny building at the Narrows on Indian Ripple Road – they were rolling candles, tasting honey, watching someone sting themselves for bee venom therapy and everyone was really interested, there was very few icks or ucks. He said while there are people who are adamant about not having bees you would be surprised at how many people will say their grandpa had bees or their uncle had bees so the collective memory is still there, it’s just that many people have that fear of being stung.

Mayor Flaute said it was his understanding that the hobby becomes addictive and you really want to start taking care of your bees.

Mr. Denning asked if one of the boxes is a single queen and a single hive. Ms. Smith said yes. Mr. Denning asked why there are different sizes. Mr. Starrett said you can put additional supers or smaller boxes for the bees to store their surplus honey. He said here the latitude almost requires that you have 2 deep boxes for them to put honey in which would be 100 pounds or more for them to winter on, then anything above that would be what the beekeeper would harvest.

Deputy Mayor Smith asked how often they collected the honey. Ms. Smith said she collects honey twice a year; the supers are not on the hives all year around and she usually limits the number to 2 or 3 supers per colony. She said she has 27 colonies at the moment and she pulls honey in May and at the beginning of July. Mr. Starrett said you take a hot knife, cut the wax lid off the cells, put the cone in a centrifuge to throw the honey out, and then we can put the cones back in the hive. He said he has enough supers to leave it all go and have one mess at one time.

Mr. Fullenkamp asked what the start up cost was. Mr. Starrett said we tell people $250 to $300 per hive and that’s just the hardware; the bees are another $80 which is bought by the pound. He said you buy the bees in 3 pound packages which are installed in the hive. Mr. Fullenkamp asked if that includes a queen and Mr. Starrett said yes. Ms. Smith said even if you enact tolerant ordinances not everyone is going to go running to the bee supply companies, it’s not as cheap a hobby as it used to be.

Mr. Starrett said it takes a special kind of person who wants to be a beekeeper; you have to be able to tolerate being stung which happens but not a lot. Ms. Smith said people do think that happens a lot but only when we are being stupid; we pulled on a very hot day frame by frame and brushed the bees off as we went; neither she nor her husband were stung. She said you can do a lot to them before they will start to sting. Mr. Starrett said there are times of the year when you can open a hive and not worry about being stung and other times of the year when you leave them alone; that’s one of the things we try to teach the beekeepers.

Mr. Fullenkamp asked how many hives an acre of urban/suburban land support. Mr. Starrett said he had as many as 5 on his parent’s half acre lot; he thinks you could double that and not have a problem but you still have the barrier kinds of things to force the bees to fly up. Mr. Fullenkamp said he was thinking about multiple people in a neighborhood wanting to raise bees, what about density for a square mile. Mr. Starrett said he didn’t think there was a problem anymore; there just aren’t enough bees.

Mrs. Reynolds said in looking at diseased bees if there were several different locations in the city with 3 hives each and one of the hives became diseased; what is the potential for that going from hive to hive. Mr. Starrett said it can be very high; it’s not a disease for people, it’s a disease that goes to the hives. He said the bacteria creates spores that germinate in the larva and when the population in the hive drops, it can’t be defended against bees looking for a free lunch; the bees will rob the diseased honey and take it back to their hive which spreads the disease. He said the policy used to be to burn the diseased hive; now there are antibiotics but those do not kill the spores, it keeps them dormant. He said if the disease isn’t eradicated, it’s just a matter of time; in theory the idea is to get the adult bees to consume all the contaminated honey and void the spores flying which will eliminate the problem.

Ms. Smith said Greene County is fortunate that there is a Bee Inspector; there are some counties that don’t have one because of funding. Mrs. Reynolds asked how often the hives are inspected. Mr. Starrett said the goal is annually but that isn’t always possible; the state legislation is permissive and if the county commission doesn’t fund for an inspector then annually isn’t always possible. Mrs. Reynolds asked how long it would take for a diseased hive to replicate itself to other hives; she’s looking at legislation where there will be people who wouldn’t know the first thing about having hives or identifying disease that could spread to all hives in the community which would be detrimental. Mr. Starrett said it certainly would and it’s one of the reasons we are advocates for the inspection program; one of the reasons our Beekeeper’s Association exists; and another reason why our classes exist. He said we really emphasize in both the association and in our class that the beekeepers learn to identify the disease.

Mrs. Reynolds said she and Mr. Wellman are very familiar with the burning of hives in their neighborhood and that’s what worries her, the fact of how fast the disease can move through the community. She said Mr. Denning stated he was interested and she’s sure he would take a class to know what to do but there would be numbers of people who would not take the class. She said as mentioned in the presentation the bee population is declining very rapidly so disease is something else to think about.

Mr. Starrett said a doctor from Ohio State that just retired as an extension agriculturist called hobbyist beekeepers the “seed savers” because we only have 5 or 6 commercial beekeepers in the State of Ohio and all the rest are hobbyists. He said if it weren’t for the hobbyists the pollination needs that we have, which are free to everybody, would be largely unavailable.

Ms. Smith said we make your gardens look good. She said she has a neighbor who moved from the city and she was saying that suddenly since moving to the country, she has a green thumb; it’s actually the bees that fly in a 3 mile radius.

Ms. Campbell said she was reading the literature and it states 1 additional hive for every 5,000 feet and not closer than 10 feet to any lot line. Ms. Smith said we tell our students that bees are not weapons and that’s why you try to have the hives offset from the property line. Ms. Campbell asked what an acre was. Ms. Smith said maybe 48,000. Ms. Campbell said from the beginning it states no beehive shall be kept on a zoned lot less than 7,500 square feet in area with additional hives added at the rate of 1 hive per every additional 5,000 square feet. Mr. Wellman said the average city lot in the area where Ms. Campbell lives is 40’ by 120’. Ms. Campbell said it’s more like 60’. Ms. Smith said not everybody is going to be a beekeeper.

Mr. Starrett said he sent council 4 sample ordinances, one being an ordinance he and Ms. Smith made up which is the least restrictive and then it goes to the opposite end with the others in between. He said you see a recurring pattern with several stating that if a hive swarms, they must be re-queened. He said from a beekeeping standpoint that’s what happens anyway – it’s what they are doing; it’s an example of how municipalities borrow from other’s legislation so they don’t have to reinvent the wheel.

Ms. Campbell said we could set up our own rules; this one says the hive must be on the beekeeper’s property and only if the beekeeper resides on that property. Mayor Flaute said he’s sure the City Manager could come up with a good beekeeping ordinance if that’s what council chooses to do. Ms. Campbell said if there was an empty lot and someone wanted to put a hive there, they wouldn’t be allowed to. Mayor Flaute said this is only for information. Ms. Campbell said she didn’t want a beehive.

Mr. David Cole said he doesn’t know if it is mentioned in the legislation samples but he thought an educational requirement to keep bees would be a very good idea. Mr. Starrett agreed. Ms. Smith said you can request it but you can’t prove they did it or if they learned anything. Mr. Starrett said one of the problems is that there are not an abundance of classes available. Mr. Cole said he thought they should contact Riverside Schools about a program; he enjoyed the presentation and there was so much information that he wasn’t aware of. Mr. Starrett said we get calls frequently to make presentations to different age groups.

Mr. Cole asked from their observations in Riverside, how many hives are we short? Ms. Smith said you don’t have any hives in Riverside; the area is covered by her bees and bees from Dayton, the Kettering area, and feral colonies if they still survive. She said if your gardens aren’t doing very well, that’s probably why. Mr. Starrett said bees fly 2 to 3 miles one way in their foraging. Mr. Cole asked if we put 100 colonies in Riverside would we see a full pollination of everything. Mr. Starrett said it would be much better.

Mr. David Browne asked how you monitored and controlled the bees. Mr. Starrett said commercial queen breeders try to monitor the behavior of the genetics of their bees. He said he and Ms. Smith do raise a few queens on their own but they do not have the research to maintain the genetics but we can get breeding stock from commercial queen breeders. Mayor Flaute said they have a blue spot on them don’t they. Ms. Smith said different colors are different years. She said the Greene County Beekeeper’s Association is going to try to breed an Ohio queen that can survive our winters; most queens come from the southern states so the gene pool isn’t as well acclimated to our long, cold winters. Mr. Starrett said 10% loss in the winter used to be normal; now it’s up to 30% to 40%.

Mr. Wellman said an average hive needs 100 pounds of honey to keep it alive over the winter. He asked what the average hived produced to where he could possibly show a profit or return on investment. Mr. Starrett said we emphasize that you make sure the bees have their needs met before taking any off and it was a rare year he didn’t have 100 pounds surplus in his first hive. Mr. Wellman asked how much a pound was. Mr. Starret said 3 pounds to a quart or a 5 gallon bucket is 60 pounds so roughly 8 gallons. Ms. Smith added $4 to $5 per pound. Mr. Wellman thanked council for having these folks here to gain information; his Stepfather was a Greene County Inspector and they had an observation hive in their kitchen. He said his folks would sit there for hours drinking coffee and watching the bees.

Mr. Michael McKinney from DPL asked under ideal circumstances, how long will the bees live. Ms. Smith said potentially a colony, as a single unit, can live almost indefinitely; they replace their queens and are constantly evolving. Mr. Starrett said individual bees in the summertime live for 6 weeks; they wear themselves out, lose wing surface, and don’t make it back to the hive. He said winter bees live from November or December to the following spring.

Ms. Campbell asked if they covered them in the winter. Ms. Smith said sometimes but the temperature in the hive is still the ambient air temperature; the cluster may be 70 degrees keeping the queen warm and getting the honey but it’s still cold around them. Mr. Starrett said this past winter we had a loss because there was a sustained cold spell; they can stand the cold but if we have a month of zero temperatures, the cluster isn’t able to relocate in the hive; the honey they are in contact with is consumed and they starve to death even though the hive is full of honey. He said that’s what happened this past winter. Ms. Campbell asked if you could use a portable green house that would have heat inside. Mr. Starrett said some do keep their bees inside. Ms. Smith said it is also stressful on the bees because the hive is sterile and in order to evacuate themselves, they have to go outside which sometimes doesn’t happen for a month so they sometimes they come through the winter and are very weak.

Ms. Mitchell said back in the 1980s and 1990s they had apple trees and a beautiful garden; now it’s rare that she sees any bees and she didn’t know the city had zoning against it. Mayor Flaute said we probably didn’t in the township but now we do have the ordinance when we became a city. Ms. Mitchell said she thinks the only way she will have a decent garden is if she has bees. She said she had a friend who started a hive but it died out due to a bad queen.

Ms. Mary Kay Walters asked if someone was going to put up a hive, do they normally let the neighbors know. Mr. Starrett said a lot of potential beekeepers do go around, let people know their intent, and kind of get a feel of the neighbor’s attitudes about it; others aren’t as neighborly. Ms. Walters said she is definitely one that is allergic and she wouldn’t want anyone beside her with a hive; it would make her angry.

Mr. Laymon Hoskins asked what kind of protections are recommended in a close neighborhood like Ms. Walters is talking about in order to keep kids away. Mr. Starrett said out of sight, out of mind; if possible put them somewhere where they can’t be seen, a privacy fence is ideal. Ms. Smith said that’s where lot size should be considered; if the lots are small then they wouldn’t be eligible to be beekeepers. Mr. Hoskins told a story of a gentleman that kept bees for years with no problem and one day after cutting weeds down with a sickle bar, the gentleman hung the bar over the hives and the bees stung him and a horse to death. Ms. Smith said years ago the bees that were used were called German Black Bees; they were nasty and are not bees that are available anymore, they were taken off the market. She said what’s available now is more docile and easy to handle.

Mayor Flaute said we could require the folks to take a class so that if the bees get nasty they know to notify the association so they can get the bees replaced. He said so at least we can require them to take a class. Ms. Walters said you can require them to take a class but that doesn’t mean they will pay attention.

Ms. Smith said right now she and Mr. Starrett are the instructors but if Parks & Rec decides they don’t want to offer it, there won’t be any classes in this area anymore. She said requiring a class is great as long as the class is available. She said the State of Ohio used to be the largest honey producer until right after WWII when they decided not to let alfalfa bloom. She said beekeeping has dropped; at OSU they have almost closed their department on beekeeping. She said many counties go without inspectors; Montgomery County and Greene County share one and we are fortunate to have one. She said the $5 fee paid to register a hive doesn’t cover half of what is needed. She said it could be that there are no classes in the future.

Ms. Campbell asked if the hives are ever bothered by animals like raccoons trying to get to the honey. Mr. Starrett said skunks.

Mayor Flaute thanked them for coming and said it was so interesting. Mr. Starrett thanked council for the opportunity and said we handed out both our business cards if anyone is seeking additional information.

b. Discussion: Proposed Zoning Ordinance – Article IX

 Part 1 – Zoning; Part 2 - Subdivision

Mr. Chodkowski said the language relative to these 2 sections is specific to the zoning overlay districts and how those apply to the use standards we talked about in Article VII. He said the second section deals with all the requirements needed to plat before development whether or not it is a traditional subdivision or for sediment control or erosion control. He said he and Mr. Murray would be happy to answer any questions they might have.

Mrs. Reynolds said on page 9-16, A-1, underground water protection standards; *“the aggregate of regulated substances may not exceed 20 gallons or 160 pounds at any time”*; then reading through to B-1 *“the regulated use under the exclusion should be limited to 400 pounds at any one time or 50 gallons”*. She asked for an explanation as to why that would be necessary. Mr. Chodkowski said the first part regarding aggregated substances states any of the components such as pool chemicals or water softening chemicals or generic household cleaners in total should not exceed 160 pounds or 20 gallons. He said when you get to item B; it talks about places where you might have to have quantities in excess of that such as industrial cleaning components or they are for a specific use such as a research facility. Mrs. Reynolds said as we go through this code rewrite it is very tedious, and to try to understand how you are going to gauge 160 pounds storage at any time vs. the 400 pounds storage and how that might look on a building schematic or a permit schematic; she doesn’t understand how we are going to do that. Mr. Chodkowski said to keep in mind that there is exclusionary language for typical residents; these will apply to commercial, industrial, or business needs. He said this is something we may come across during routine inspections by the Fire Department and we would anticipate them having some quantity of chemicals or agents on the premises at any given time but we don’t randomly inspect. Mrs. Reynolds said so this is a generalized rule of looking at a medical facility vs. a residential or a farm piece because we are talking about that and a 1 year maximum storage. She said when we look at that, it’s authorized for on site storage with as maximum 1 year supply in regulated substances, it just seems so entailed to try to say how we are going to make sure we’ve done our part.

Mr. Murray said the county handles all this for us; they have inspectors that cover Riverside and they go to each business once or twice per year. Mr. Denning said it’s once every 2 years. Mr. Murray said when a business first comes in, they fill out their occupancy permit and we note if it’s on the well field or not, and if it is on the well field, we contact the county. He said the restrictions are by the property and not by the business; he cited the old Circle K as an example. Mrs. Reynolds asked if the new code mirrored the county code. Mr. Murray said this was given to us 3 or 4 years ago by the county and well field district and was inserted into our code to follow their regulations. He said every year the city receives money from the well field that covers a salary to do just this; but the county has their own inspectors that go out and meet with every one of those businesses – we have a shared list of all the commercial properties in Riverside that are on the well field. He said we know exactly how many pounds of regulated substance a business starts out with and that sets how many they are allowed today unless they want to reduce their capacity. He said that’s what the Circle K did; they decided not to sell gas anymore and were paid a price per gallon to do away with that right to maintain that substance. Mrs. Reynolds said so we are just duplicating the county regulations. Mr. Murray said yes.

Mrs. Reynolds said on page 9-49, Sections A-G through A-H, *“the Board of Zoning Appeals as established by the City of Riverside shall hear and decide appeals or requests for variances from the requirements of this chapter as set forth; powers of duty – the appeals board shall hear and decide appeals where there is alleged there is an error in order of requirements, decision, and determination made by the flood plain administrator in the administration or enforcement of these regulations”.* She said that seemed like an extreme burden on the BZA. Mr. Chodkowski said keep in mind that what you would have happen in this instance is there is a very specific criterion that has to be met; and while the Planning and Zoning Administrator is assigned as the Flood Plain Administrator, that would be work we would subcontract out to a licensed engineer. He said they would simply go through a check list to make certain our assessments were correct and give us their recommendation on if the criterion for a variance had been met. He said it would be no different than when the BZA currently hears a variance; there are 9 different requirements which the Planning and Zoning Administrator reviews and once he makes his initial assessment, it is forwarded to the Law Director. He said this would be no different. Mrs. Reynolds said it just seems like an extreme burden for the BZA to have to deal with flood plain issues.

Mr. Fullenkamp said on page 9-34, for the language in G-2; it states *“liberally construed in favor of the governing body”* and the only recommendation he would make, and it’s personal, is that it say something more like *“liberally construed to achieve the goal of flood damage reduction in the city”*. Mr. Chodkowski said got it. Mr. Fullenkamp said it may occur in other places in the document as well.

Deputy Mayor Smith said on page 9-17, item C, *“underground accessory storage of fuel and lubricants with the exception of residential usage of heating fuels, the underground storage of fuel and lubricants for vehicle operations and fuel for building process heating in conjunction with permitted principal or conditional uses, the zoning overlay district shall be secondarily contained and monitored”.* He asked if secondarily contained meant a tank within a tank. Mr. Chodkowski said yes. Deputy Mayor Smith said it doesn’t list a limit on how much can be stored so you could have a gas station on the well field. Mr. Murray said when the law was first established they did an inventory of every property in the well field and set that as the maximum for that property; so for someone to move in now and set up a gas station it would be totally impossible, there are none left and they are all reduced to 160 pounds of solvent. Deputy Mayor Smith asked for a reference in the paragraph to the county well field inventory. Mr. Murray said yes; that’s a good idea and would make it far clearer.

Mayor Flaute said on page 9-13 regarding the residential mixed use overlay set at 60% for residential and recreational use; is that a county thing because it doesn’t seem like much. Mr. Chodkowski said that was a number we assigned to it internally because the overlay district is assigned to be a transitional component to bridge the gap between residential and commercial. He said we looked at the majority of the ground being assigned to the base application; it’s designed to be a transition in structure and use favorable to the least dense use which is residential.

Mayor Flaute said on 9-14, B-2, *“…where the requirements of this overlay district are in conflict with the underlying district, the more restrictive regulation shall apply”.* Mr. Chodkowski gave an example of the well field overlay district saying storage of chemicals has to be 3 feet from the lot line but the underlying district says 5 feet from the lot line and said in this case 5 feet would be more restrictive than 3 feet so the 5 foot rule would apply.

Mayor Flaute said on 9-29, J, regarding underground installation of utilities - everything has to be underground except for the boxes where they have to come above ground; is that consistent over our entire city and a subdivision can’t be built with above ground utilities these days. Mr. Chodkowski said he didn’t know if that was a required condition of development within our existing code, it was specifically requested and required within the Valley View subdivision. He said he didn’t recall seeing it in the current code. Mayor Flaute said he didn’t either but he did personally think everything should be underground. Mr. Chodkowski said that’s what the new code will do with the exception of main transmission lines and utility service boxes. He said for the Brantwood subdivision, the Planning Commission as part of its final approval can require the utilities be underground. Mayor Flaute said he wanted to make sure that was in the new code.

Mayor Flaute said on page 9-34, F uses the word abrogation; he asked what that word meant. Mr. Fullenkamp said it means “to eliminate”. Mr. Chodkowski said this code language will repeal and replace only certain code language; our existing code is Article 11 but there could be other provisions within our code that will not be touched by this such as Article 13 where we have our exterior property maintenance language and our nuisance abatement language. He said if there are conflicts between those provisions in Article 13 and this section which will eventually be Article 11 then the more restrictive will apply.

Ms. Campbell said on page 9-32, A, which talks about flood plains; would that apply to the Ingleside and Marianne areas – it floods every time it rains. Mr. Schock said it’s not a flood district. Mr. Chodkowski said right; flood districts are assigned by FEMA and are specifically delineated on the flood insurance map. Ms. Campbell said it floods every time it rains and there has been damage; the code refers to damage. Mr. Chodkowski said the flood plain is typically related to a moving body of water and the Ingleside/Marianne area is a result of surface water and not necessarily the natural flow of water related to a stream or creek or river.

Deputy Mayor Smith said on page 9-22, 2-c, regarding minor thoroughfares it states *“the right of way is 82 to 90 feet”*; where is the point where that starts – center of the street going towards the parcel. Mr. Chodkowski said the right of way width is recorded at the time you record the plat; where the road sits within the right of way can vary which is not an uncommon practice. He said every street is different and every layout is different; for the right of way widths, we try to be as uniform as possible but that’s not always the case. He said these widths mirror the county’s thoroughfare minimums because the measurements have to correlate to the county and in essence, with ODOT. Deputy Mayor Smith said where he gets confused is with intersection corners and when they widen the road; if we have to move poles and uproot sidewalks, we say it’s in the right of way. Mr. Chodkowski said in some instances it is and in some instances it’s not. Mayor Flaute said most the time it is. Mr. Chodkowski said if its new, it will always be in the right of way; we typically do a better job of defining turn radius and curb radii today than what was done on streets constructed 50 years ago. Deputy Mayor Smith said his question was at what point do you start to measure the right of way; say you have a 2 lane road in a residential neighborhood and you have an 82 to 90 foot right of way, if the average width of a road is 30 feet you can put it anywhere within that 82 to 90 feet. Mr. Chodkowski said provided you meet all the dimensional requirements, the turn radius and measurements. Deputy Mayor Smith said that’s making a turn; he’s talking about a straight road. Mr. Murray said these are for brand new subdivisions; as they are dividing out the property they establish a lot and go out where the street is 82 feet and start the other lot. He said if you look at what’s existing in Riverside, the width varies everywhere because some of this was developed in the 1800s so there is no right of way. He said at Airway Shopping Center as you come down Woodman and make a right that is their property you are driving on. Deputy Mayor Smith said so this is for new construction. Mr. Chodkowski said everything within the code is for new construction and new development. He said a few weeks ago when we talked about non-conformities and non-conforming structures – that all dealt with existing stuff.

With no further discussion on the code rewrite, Mayor Flaute said he thought the only thing the City Manager had to deal with was the bees. He said he thought there was interest on council to draw something up for the bees and asked if that was true. Mr. Schock, Mrs. Reynolds, Mr. Fullenkamp, and Ms. Campbell said no. Mr. Schock added we’ll wait.

**ITEM 7: RECESS:** The Council took a recess at 7:38 p.m.

**ITEM 8: RECONVENE:** The meeting was reconvened at 7:51 p.m.

**ITEM 9: PLEDGE OF ALLEGIANCE:** Boy Scout Joel Topps said he was from Troop 162 and was here working on his Citizenship/Community Merit Badge. Joel led all those in attendance in the pledge of allegiance.

**ITEM 10: MINUTES: Consider approval of the minutes of the August 18, 2011 Council meeting.** A motion was made by Mrs. Reynolds to approve the minutes as written. Mr. Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

**ITEM 11: ACCEPTANCE OF WRITTEN CITIZENS PETITIONS:** Mayor Flaute advised citizens to fill out a form if they wished to speak about agenda or non-agenda items.

**ITEM 12: CITY MANAGER’S REPORT:**

1. FYI Items
2. Council Request Sheets.
3. Code Rewrite Request Sheet.
4. Council Agenda Calendar.
5. Weekly City Manager’s Report.

Mr. Chodkowski said you have my report and he would be happy to answer any questions. He said in addition council has a copy of the draft newsletter; please look it over and send him an email with any comments or concerns regarding the content. He said it will be shipped to the printer tomorrow morning and will go out the week of September 19th. He said he has been working on funding for the Fair Park Bridge and he will need a few minutes at the next work session to talk about the funding requirements in the event council chooses to proceed with replacing that facility.

**ITEM 13: PUBLIC COMMENT ON AGENDA ITEMS:**  Mr. David Coleof Sanford said he wanted to speak about the TIF council is going to consider tonight. He said the development of the City of Riverside is council’s business and he knows they are going to develop the city in the best way they can but he has great reservations with the TIF project they have in mind regarding public funds to build the infrastructure. He said he realized that even if council passes this, the City Manager has the ability to negotiate how this is going to work and he thinks that is the important part. He said if you can accelerate some kind of pay back to the city for loss of taxes on an accelerated pay rate for the infrastructure, in the first 5 to 10 years of the TIF, so there is a finite date so we can assume a full capacity. He said if the build out and occupancy doesn’t take 10 years, we might have a way to make our money back. He said if we are going to invest a couple million we should expect to get that back plus return on investment, just like the developer. He said the developer isn’t going to sell the houses any cheaper to the buyers and the construction guys aren’t going to make anymore money and the city isn’t going to make any money; so he sees the total benefit going to the developer. He said he would caution the council that they do have the power through negotiation of the City Manager to control how and when we get paid so it doesn’t get stretched over 30 years and we do get a return on investment in the property.

Mr. Cole said he does think this is a forward looking project but like all construction projects, sometimes they go wrong and if we can guarantee we get covered then he thinks there could be an advantage.

Ms. Campbell said on the TIF; say if they didn’t build on all the land and later they fell down, that keeps us from having to pay that money up front to tie in. Mr. Chodkowski said yes it does. Ms. Campbell said so the TIF is good then.

Mr. Laymon Hoskins of Sedgewick said he had been studying TIFs for a little while and he thinks they should be outlawed by the federal government. He said it allows large corporations to force small municipalities to bid on their services within your area and the only thing they can bid with is taxpayer’s money. He said the taxpayer’s money is generated for the maintenance of the municipality and if we give our money away, we’ll be forced to put new levies on the ballot in order to do the maintenance job the council was elected to do. He said to him, TIF was the first phase of bankruptcy for small municipalities and if we continue to allow it to happen, there probably won’t be any government below a county level.

Mr. Hoskins said secondly, if you are going to go with this project, you should be dealing directly with Ryan Homes and not a third party. He said when you start a program, everything is a variable and as you go along, you change the variables to constants. He said he has done this for large corporations for about 20 years and every time he dealt with a third party the variables remained variables all the way through the program, so he never knew what was happening on a day to day basis turning into a total disaster.

Mr. Hoskins said he thought that if council wanted to develop this land we have $60,000 in, then they should be dealing directly with Ryan Homes, not a third party, and they shouldn’t be using TIF money.

Mr. Jim Wellman of Beatrice Drive said he first want to express disappointment in the council regarding the bees and now he doesn’t have anything to pollinate his crops. He said regarding the property on Brandt Pike, if this goes through and gets developed, will we also be subsidizing the houses that will probably be built in the future on adjacent pieces of land by building the infrastructure. He said he wasn’t really for subsidizing or paying someone to take good land off our hands; he gets the impression it’s like paying someone to take his property from him. He asked if the private individuals would be reaping the benefits without chipping in on some of the expenses.

Mayor Flaute said regarding the bees, he didn’t think council was completely done with that. He said regarding the TIF, we will be talking about some of those issues during the second reading of the ordinance.

**ITEM 14: UNFINISHED BUSINESS:**

* 1. **Ordinance No. 11-O-472 by the Council of Riverside, Ohio approving a change in the district boundaries as shown on the Zoning Map of the City of Riverside, Ohio for property located on Brandt Pike, Parcel I.D. No. I39-00520-0033 from “RE-1” Residential Estate District to “R-4A” Single Family Residential District. (SECOND READING AND CONSIDERATION OF ADOPTION)**

Mr. Chodkowski said this ordinance is to rezone Parcel ID# I39-00520-0033 from RE-1 Residential Estate District to R-4A Single Family Residential District.

A motion was made by Mr. Schock to read Ordinance No. 11-O-472 for the second time by title only and approve its final adoption. Mr. Denning seconded the motion.

Mr. Schock said he wanted to explain why he was voting yes on this project; there are numbers supporting that we will get money back so it’s not true corporate welfare to build structures they would like to build. He said it is something that is creating jobs for our community – contractors, carpenters, electricians, people who grade the land – they will all appreciate the job. He said it is more of a job creation project as he sees it and we will get income tax revenue from the people who move into the houses and we will be bringing more citizens into our community which is what he sees as potential growth. He said when we discuss the TIF we have numbers that will support all that for you.

Mayor Flaute said he did hear there are new numbers. Mr. Chodkowski asked council if they wanted him to include those in this discussion. Council agreed to discuss both ordinances.

Mr. Chodkowski said one of the questions asked at the last council meeting was what the homes will look like and sitting at council’s seats tonight are pictures of 9 separate models Ryan Homes is proposing for this subdivision. He said it is for council’s information to just give them an idea of what they can expect to see. He said in addition to that there was some concern on what would be submitted as costs for reimbursement under the TIF and exactly what we could assume under certain terms and conditions as far as pay off time, revenue to the city, etc. He said he was able to finish a memo today that addresses those concerns. He said in summary, the developer submitted approximately $1.6 Million in expenses to be reimbursed through the TIF. He said a detailed list will be reviewed with council most likely in executive session in consultation with the Law Director to determine what items you intend to approve as eligible.

Mr. Chodkowski said for the sake of this exercise we will assume you approve all $1.6 Million. He said assuming the development schedule of 2 units per month starts in 2012 and the average price is $180,000, here is some brief summarized information: starting in year 3 when you have a total build out: Mad River Local Schools will receive $157,700 annually; the Brandt Pike TIF District will receive $82,328 which he will touch on in a moment; based on census data we will assume every house has average taxable income of $39,000 which will generate to the city $32,500 annually in income tax. He said based on those numbers the TIF which is allowed to run for 30 years will pay off all eligible costs after 20 years. He said in the 20 year period, Mad River Local Schools will have received just over $3.0 Million as a result of this subdivision and the city is estimated to receive roughly $630,000 in income tax. He said after the TIF is dissolved the school district is estimated to receive $157,000 annually; Montgomery County will receive $51,000 annually – of the $82,000 paid to the TIF in the first 20 years, $51,000 of that is actually the county’s money; the city will receive $32,500 in income tax and $28,800 in property tax; and the Dayton Public Library will receive $2,500 annually. He said of the $82,000 being paid to the TIF, a majority of that money is tax money due another governmental entity other than the city.

Mr. Denning said so the city’s yearly investment is $28,000. Mr. Chodkowski said correct. Deputy Mayor Smith added that is based on a fully developed project.

Mrs. Reynolds said to make sure she understands, the City Manager used the 2010 Census data for a median household income under roof that was $39,510 for all 55 houses and that will all be people working in Riverside paying Riverside income taxes. Mr. Chodkowski said while he understands there are a lot of variables that go into that he felt comfortable using that number as a taxable income because the prime buyer market is the Wright-Patterson employee so they would not pay an income tax based on wages earned at Wright-Patterson, they would pay directly to us. He said also understanding that folks that live in that subdivision might work in a city that has a higher tax rate than us. He said you would have some people that pay the full rate to us because of where they work and others who pay a higher rate to another location, that’s why he felt comfortable using the lower number. Mrs. Reynolds said based on the annual salary of roughly $40,000, 55 single homes will generate $629,000 over the 20 year period time. Mayor Flaute said so the $39,000 would be one person’s salary in the home. Mr. Chodkowski said that is the median income for the household. Mr. Denning said that is the median income for the entire city and he would imagine the median cost of a home in the city would not be $180,000. Mr. Chodkowski said we also did not include during the 20 year TIF assumptions for the 6 triennial valuations. He said the Valley View subdivision was one of only 2 neighborhoods in Riverside whose value increased at the last triennial valuation, so we did not take into account any increase in taxable value through the course of these calculations related to property. He said it’s possible that number might go up as well. He said we are trying to be as conservative as we can be.

Deputy Mayor Smith said so the assumption is paying the TIF off in 20 years but our ordinance states in Section 2 that it’s a 30 year TIF. He asked if that language would be changed. Mr. Chodkowski said there is language that exists that the TIF will expire: a. after 30 years; or b. in the event the state prohibits the existence of TIFs; or c. in the event the obligation eligible for reimbursement is paid off sooner. Deputy Mayor Smith said but you can continue to do add ons and add ons. Mr. Chodkowski said not once you agree that the district is specifically defined and the costs are specifically defined; if costs go up later the developer is on the hook for the difference. Deputy Mayor Smith said he would be more comfortable with the language stating 20 years instead of 30 years. Mr. Chodkowski said to keep in mind that this makes the assumption that development occurs at a specific rate. Deputy Mayor Smith said this would motivate the developer to get it done; we don’t want them dragging their feet. Mr. Chodkowski said the developer is already motivated to develop and is assuming all risks for all obligations for all debts to construct this subdivision; if he’s not selling houses then the TIF is not making money and the debt is not being paid. Deputy Mayor Smith said right and that carries it out to 30 years instead of 20 because the money is not coming in to pay off the TIF. Mr. Chodkowski said that’s not necessarily true, several factors go into when the TIF will expire, so it’s possible that based on the unit that they build and the price they sell at the TIF could pay off sooner and there’s several reasons the TIF could pay off later. He said that’s why there are caveats in the language so if it’s possible to pay it off sooner, it gets paid off sooner, but the bottom line is the developer is already motivated to build as fast as possible because he is on the hook to make the debt payment. Deputy Mayor Smith said he’s just not comfortable with 30 years.

Ms. Campbell said if they sold the land, we’d have to pay to buy into the water and sewer and all that. Mr. Chodkowski said there is an agreement between the city and the developer that says in the event the developer acquires a neighboring parcel and begins construction of infrastructure on that neighboring parcel that the city will support that infrastructure with a payment of $50,000. Ms. Campbell said the TIF protects us against that. Mr. Chodkowski said no, the TIF does not protect us against that unless the land is sold to someone else. He said CESO and DDC LLC have to be the acting agent on the second parcel.

Mayor Flaute said so in answer to the question of if we will have to TIF all the properties around it that will be up to a new council. Mr. Chodkowski said this council has obligated itself under a proposed agreement that any one neighboring parcel is also subject to a TIF; but only one, and you’ve also excluded another party as a result of that agreement from establishing a TIF for a period of 60 months from the date on which any subsequent TIFs are adopted.

Mrs. Reynolds said CESO has an exclusive for the 60 month period of time on TIFs for those 3 other parcels, correct? Mr. Chodkowski said yes.

Mrs. Reynolds said we talked before that on projects like this the City Manager would bring forward costs for city services. She said we are looking at providing Police, Fire, road services to that new development so of the $629,000 we are going to realize about $31,000 per year as income tax; so what are we going to paying out for the additional services that will go into that community. Mr. Chodkowski said he doesn’t have a specific matrix but he thought the cost to provide police response to that neighborhood would be negligible based on the purchase price to a homeowner in that neighborhood; that would also be true of fire response; he would say EMS response would be neutral or revenue positive based on a demographic; and he would say road maintenance in the short term based on previous conversations related to the budget would not be in excess of any revenue we anticipate to make for an extensive period. Mrs. Reynolds said so the council should not expect to see any increase in overtime in any of those 3 departments once it’s a full build out. Mr. Chodkowski said that’s a reasonable assumption but it is not definitive.

Deputy Mayor Smith said there are additional man-hours associated with salting the streets and plowing the snow. Mr. Chodkowski said he isn’t going to argue that there isn’t an additional cost but we currently maintain over 292 lane miles and the cost to add 3 additional lane miles is negligible in the overall scheme of how our costs are divided. He said in the broad spectrum, it wouldn’t be significant.

Mrs. Reynolds said if we base the average family size of 2.3 on 55 houses, that’s 850 additional people and she doesn’t understand the reasoning that having people that buy $180,000 houses are healthier and less likely to have fires. She said she would think adding 850 to your population has a cost associated with that and she’s looking at the dollars we won’t be realizing. She said the additional costs and strain on staff to maintain additional population she doesn’t see how he can say it is negligible.

Mr. Schock said how much money are we making off that property right now; we own it so we don’t collect anything and we have to mow it and maintain it. He said this is better than nothing.

Mayor Flaute said our population is 27,000 so adding 850 is sort of negligible. Deputy Mayor Smith said he thought the number was 250 not 850. Mr. Chodkowski said the 2010 Census says we have grown from 25,000 to 27,000 and when you look at actual expense data for the last 4 years our total expenses have not increased, our response times for police calls and fire calls have not diminished, and our ability to respond to public service needs has not diminished. He said we have slowly seen a population increase within existing housing stock without an increased burden in expense.

Mr. Schock asked if they started counting the Prairies in our Census. Mr. Chodkowski said the US Census Bureau has always counted the Prairies as citizens of Riverside; it is only Montgomery County that does not count the Prairies as Riverside.

Mrs. Reynolds said she used the number of 850 people because she included the other 3 parcels in looking at it.

Mayor Flaute said $3.0 Million over 20 years is good for the schools. Mr. Denning said the fact that the county is paying 66% of the cost is also a positive.

Deputy Mayor Smith said he would be more comfortable with 20 years in the language vs. 30 years. Mr. Denning said it’s $1.6 Million either way.

Mr. Fullenkamp asked how we were going to provide 55 jobs in Riverside to make sure all this gets paid. He said his emphasis going forward, from what he’s read, is partial stuff is much more lucrative on buildings if you have guaranteed income from income tax and TIF the property tax for whatever the period is. He said 20 or 30 years still seems like a long time and some don’t want to call it a subsidy but it clearly is a subsidy. He said these numbers are more encouraging than what have been presented in the last few months and he asked the developer, Mr. Mark D’Urso, how sure he felt about 2 houses per month being built.

Mr. D’Urso said if we didn’t feel confident about building 2 per month, we wouldn’t be doing this project; we are basing this on the last 3 years of absorption of households that have been generated by this particular builder and some other builders within a 5 mile radius of this area. He said that gives us a little more comfort.

Mr. D’Urso said he would like to address a couple things and deal with some of the resident’s concerns. He said he wanted to make sure that everybody understands that the city is not giving him money today to put this infrastructure in; we are footing that bill, literally $1.6 Million we are spending today on a hope that they will get paid back from the builder and the TIF. He said he is not going to get revenue enough from the builder and the TIF is the only way to catapult this project or else financially it doesn’t make sense. He said when you look at the development costs of this you can’t generate a profit in order to deliver homes at a cost point that meets the average of $180,000. He said so the city is not taking all that risk.

Mr. D’Urso said he is hoping they do 2 ½ to 3 units per month and we are trying to figure out how to do that. He said in the product examples he brought he asked for only homes in the 40 foot width because he knew that was contentious; he heard what they had to say and tried to address that.

Mr. D’Urso said one of the things we could have done in order to speed it up is put a lot of slab homes in there but in talking with the City Manager, he was adamant about getting as many full basements in the development as possible because of the feedback he had received. He said the $180,000 average price is based on what they have already sold in the area and because there has been a lot of news about this project, they have a waiting list of people and he is very encouraged by that. He said the builder wants this to be platted so they can build a model this year; it’s a process and he won’t get the pavement in this year but his goal is to work over the winter so he can pave in the spring.

Mr. D’Urso said he understands why the City Manager used $39,000 as a median income but the people buying a home at an average of $180,000 have incomes significantly higher than that; you are looking at incomes closer to $70,000 plus.

Mr. D’Urso said someone mentioned the city should go directly to Ryan Homes and not to a third party. He said it’s important to understand that Ryan Homes only builds; they do not buy the land, develop it, and put in infrastructure. He said they go to a third party because of the engineering involvement; they don’t want to take the risk. He said we chose them because they are the ones that produce in both the Dayton and Cincinnati market; there are not many builders left around here that can build in this price point.

Mr. D’Urso said he appreciated hearing the comments from the citizens and just wanted them to hear his perspective. He said based on what we’ve seen this is a site that fortunately is more geared towards residential and has a better flow. He said he found out today that there are a lot of people at Wright-Patterson that want to live in this school district; he didn’t realize how popular it was but that is why there is a waiting list because their kids have met people’s kids from the base and they want to live here. He said what he heard today is how close knit this community is and the results in taking over Valley View from Beazer, Ryan has been very successful. He said they are anxious and their list of people has an income and a price range they can afford.

Deputy Mayor Smith asked if the $180,000 price included the lot. Mr. D’Urso said yes and that’s why that number is so important; if Ryan had told him $250,000, he wouldn’t be here asking for a TIF because he would have been able to get more for the lot. Deputy Mayor Smith said you’ve shown us homes that will fit on 40 feet; are you going to slip a 50-footer in there. Mr. D’Urso said a 50-footer can be built but he asked them to only provide models that will fit into the new ordinances that are coming out which can go to 45 feet.

Mr. Fullenkamp said so Ryan Homes has a waiting list for a development that hasn’t been approved. Mr. D’Urso said what they shared with me today is they have a list of prospects that have heard about this site and they are anxious to have us get started. He said they asked me to find out if this gets approved how quickly they can build a model in that development.

Mr. Fullenkamp said during the development period one of the questions he has is about income tax generated by workers in that area; is there an estimate of any of that. Mr. D’Urso said you are looking at labor of around $50,000 per home.

Ms. Campbell said the width of the property is 60 feet and they told you, you have to build 5 feet from each side at least; so why did Deputy Mayor Smith ask about the 40 feet. Deputy Mayor Smith said he was just concerned about the houses being 10 feet apart. Ms. Campbell said why; people like their privacy don’t they. Deputy Mayor Smith said they are only 10 feet apart. Ms. Campbell said well who set the ground rules. Mr. Denning said they’ve addressed that.

Mr. D’Urso said one thing he’s asked because he feels it will be important is that these all be 2-car garages. Ms. Campbell said she didn’t see garages on some of the pictures and asked if the garage was in the back. Mr. D’Urso said these will all be front loaded garages. Mr. Chodkowski asked if it would be safe to assume that in the event this legislation passed, in the final plat the Planning Commission could require homes not to be wider than 40 feet in width. Mr. D’Urso said that would concern him and he probably wouldn’t go forward if it was limited like that. He said he saw a statistic that from 2004 to today the market is off 80% in terms of new homes built in Southwest Ohio – an 80% reduction. He said he needs some flexibility; he is trying to provide product and he can’t see everyone buying the largest homes, they are going to want something different.

Mr. Chodkowski said assuming that $50,000 labor per home is correct there would be roughly $41,300 over the term of the development. Mr. Denning said about $750 per house.

The clerk read Ordinance No. 11-O-472 for the second time by title only and Mayor Flaute asked if there were any questions or discussion from members of council.

With no further discussion; a roll call vote was as follows: Mr. Schock, yes; Mr. Denning, yes; Ms. Campbell, yes; Mr. Fullenkamp, no; Mrs. Reynolds, no; Deputy Mayor Smith, no; and Mayor Flaute, yes. **Motion passed.**

**b. Ordinance No. 11-O-473 providing for the construction of certain public infrastructure improvements within the city by creating an incentive district encompassing a certain parcel of real property, declaring improvements to such parcel to be a public purpose, exempting such improvements from taxation, requiring the owners of such parcels to make service payments in lieu of taxes, providing for the distribution of the applicable portion of such service payments to the Mad River Local School District, establishing a Municipal Public Improvement Tax Increment Equivalent Fund for the deposit of the remainder of such service payments, describing the public infrastructure improvements made or to be made that benefit or serve the parcel and approving and authorizing the execution of one or more project and development agreements. (SECOND READING AND CONSIDERATION OF ADOPTION)**

Mr. Chodkowski said this ordinance is to approve the intent of council to establish a TIF district for the purposes of constructing certain public infrastructure.

A motion was made by Mr. Denning to read Ordinance No. 11-O-473 for the second time by title only and approve its final adoption. Mr. Schock seconded the motion.

Mr. Schock said it’s hard to believe the no votes and he just can’t comprehend what they are thinking. He said we are bringing money into the community and developing land that brings us no revenue currently. He said he doesn’t understand it.

The clerk read Ordinance No. 11-O-473 for the second time by title only and Mayor Flaute asked if there were any questions or discussion from members of council.

Being none; a roll call vote was as follows: Mr. Denning, yes; Mr. Schock, yes; Ms. Campbell, yes; Mr. Fullenkamp, no; Mrs. Reynolds, no; Deputy Mayor Smith, no; and Mayor Flaute, yes. **Motion passed.**

# ITEM 15: NEW BUSINESS:

# ORDINANCES

**a. Ordinance No. 11-O-474 authorizing the City Manager to execute a sales agreement with the owner of 5.906 acres of land located at 2707 Old Troy Pike in Riverside, Montgomery County, Ohio, for the amount of $189,000 in furtherance of the Eintracht Recreational Project and declaring an emergency. (FIRST AND SECOND READINGS AND CONSIDERATION OF ADOPTION)**

Mr. Chodkowski said pursuant to previous discussions with council this ordinance is to execute a sales agreement between the City of Riverside and the Eintracht Club for the purchase of 5.906 acres on Old Troy Pike.

A motion was made by Mrs. Reynolds to read Ordinance No. 11-O-474 for the first time in its entirety and approve its first reading. Mr. Denning seconded the motion.

The clerk read Ordinance No. 11-O-474 for the first time in its entirety and Mayor Flaute asked if there were any questions or discussion from members of council.

Ms. Campbell said in Exhibit “A”, Declaration of Restrictions, number 3, page 2, it states “*There shall be no commercial or industrial activity on any property located within the Easement”* and number 6 states *“there shall be no recreational operation of motorized recreational vehicles”*. She said does this mean you won’t be allowed to build on there – a park or pave or anything, right? Mr. Chodkowski said no; what it says is the building that exists shall remain for perpetuity and in the event that building should ever become damaged or destroyed for whatever reason, a structure with the exact same footprint may be reconstructed on that site; any additional structures needed in support of the principal structure such as a shed to store maintenance equipment shall be permitted; and it is specific to snowmobiles, dune buggies, motorcycles, all-terrain vehicles. He said to drive your personal vehicle there and park in the lot; you would be able to do that. Ms. Campbell asked if they were building a dock. Mr. Chodkowski said yes and that is a condition that talks about public access to the Great Miami River and that would all be done in concert with Metro Parks and the Conservancy District.

Mr. Fullenkamp said going back to item 3, it says no commercial; does that exclude some retail going on such as a snack bar or rentals. Mr. Chodkowski said we would not interpret the language to mean that; only that the Eintracht Club couldn’t open a diner available to the general public. Mr. Fullenkamp said he thought they already had one. Mr. Chodkowski said for the purposes of supporting their organization, if they had an event similar to Gear Fest at that location, we would not consider that to be commercial activity even though commercial transactions might occur. Mr. Fullenkamp said okay, so it’s not very restrictive. Mr. Chodkowski said correct.

Mr. Fullenkamp said on Exhibit “B”, under general provisions, are these things our engineer went out and established as deficiencies in the building. Mr. Chodkowski said his understanding is that the Montgomery County Building Division donated their time and sent their inspector out who identified these items. Mr. Murray said that’s exactly right, the inspector walked through and found these as things they needed to do. Mr. Fullenkamp said before the purchase occurs and Mr. Murray said yes.

Mr. Fullenkamp said the lease with the Eintracht Club is yet to be determined, correct? Mr. Murray said we have some ground work to do on that, defining individual conditions but everyone is shaking their head in the same direction right now. He said he plans to have that done before the 19th and he is going to work on that next week; we are meeting with the club next Wednesday.

Ms. Campbell asked if this was going to be tabled until the 19th. Mr. Chodkowski said no; the grant is due on the 19th and this has to be approved so we can process the paperwork.

Deputy Mayor Smith said he had a couple questions on item 3 stating “*There shall be no commercial or industrial activity on any property located within the Easement”*. He said isn’t that kind of a given; the whole project isn’t an easement is it? Mr. Chodkowski said yes, the whole property will be an easement and there will be a public access easement provided to the entire parcel. Mr. Murray said it is actually a conservation easement that allows public access to the river. He said they are trying to conserve everything that’s there.

Ms. Campbell said it states no motorized vehicles. Mr. Murray said you can drive you car down there; what they are trying to prevent is 4-wheel drive tracks or motor-cross or hill climbing. Mr. Chodkowski said your personal vehicle isn’t considered a recreational vehicle. Mayor Flaute said if he was visiting here and brought his motor home would he be allowed to park there. Mr. Chodkowski said yes; the language is not intended to imply your primary vehicle for transport; keep in mind dirt bikes, dune buggies, snowmobiles, those types of recreational vehicles is what this language is referring to. Ms. Campbell said what if someone pushed a hot dog cart back there – that’s not allowed is it? Mr. Chodkowski said that would be commercial activity.

Mr. Fullenkamp said on page 2 of Exhibit “A”, seriously, we can’t cut dead trees greater than 2 inches in diameter; those are weeds in most arborist’s books. Mr. Chodkowski said right, but understand that the principal purpose of the property’s acquisition with funds from ODNR and the Conservancy district is for conservation purposes. Mr. Fullenkamp said he was just thinking that might have been a misprint.

Ms. Campbell said on page 3, number 9 states *“property located within the Easement shall at all times be kept free of garbage, trash and machinery”*; isn’t a vehicle machinery. Mr. Chodkowski said this would apply to someone just leaving a lawn mower out in the open or someone abandoning the hot dog cart that was there on Gear Fest weekend; that’s what this language would apply to.

Mrs. Reynolds said just to go back to the question Mr. Fullenkamp asked; we can’t cut a dead tree down if it is greater than 2 inches – is she understanding this correctly and does that put us at liability. Mr. Chodkowski said he didn’t think so because further down it states *“unless an individual tree or group of trees pose a direct hazard to the public”*. He said if there’s a 50 foot tree within 40 feet of the building that looks like it is going to go, we are going to take that tree. Mrs. Reynolds said she is looking at the density of the property around the water’s edge and a dead tree, she understands they are looking at conserving and making sure the banks aren’t eroded and all that, but… Mr. Schock said even a dead tree serves a purpose.

Mr. Fullenkamp said he knew we were talking about virtually zero cost to purchase and we are trying to put language in the lease agreement that says they will take care of all maintenance – is that realistic in the long term? He asked if they would be able to do all the maintenance on a building we own. Mr. Murray said that’s the intent; forever – he doesn’t think so. He said one of the things they are going to talk about in the lease is how we get rid of them if they can’t perform and we are not satisfied with the degree of maintenance on the building. He said the idea is we are entering into a partnership with them with the idea that we incur no costs and they get perpetual use of the property. He said he and the Law Director will pose that question to them and hopefully we will get language that suits our purpose that way. He said we are partners and he’s telling them if they walk away, he is going to bring in somebody else that is capable of running the facility at a profit. Mr. Fullenkamp said as a private club they have to reach certain levels of compliance; being a publically owned building, there’s another level that comes into play that’s going to incur extra costs – do they understand this? Mr. Murray said he thought they did and they see the public access as being an opportunity to earn more because of the publicity they will receive as a result of that. He said a lot of people have never heard of it but 20 years ago that was one of the places to have a wedding reception. He said as the population of their club has gotten older and less ability to keep it up, they have suffered that way. He said now we bring a fresh light to them and the publicity of being a number of people on the property, they’re seeing that as an income opportunity and he does as well. He said are they able to handle it; he’s not sure so we need outs – a lease term and conditions. He said we are asking for financial statements, five year budgets, and things like that. Mr. Fullenkamp said his concern is there is that there would be an incremental cost for maintenance with being a public facility. He said they can go back 10 years and say their average maintenance costs were $10,000 each year but it’s going to be more than that and they need to understand that as part of the deal.

Mr. Murray said we are also going to require that there are so many days a year that the city can use the facility free of charge. He said maybe the reverse is true; we bring in a management company right from the beginning and give the club 2 days a month free of charge. He said we are going to talk through those things and it gets down to how much work they want to do; how much of a burden do they want to take on. He said we will find out. Mr. Fullenkamp said one of the difficulties he sees is; say they are going to replace the air conditioners, so he’s assuming that would cost more as a public facility than it would as an individual because of the bidding process. Mr. Murray said they will operate business as usual and we will make sure insurance is in place. He said what’s real important is that we keep the flexibility in being able to get rid of them when it doesn’t suit our purpose; maybe the lease is 3 or 5 years and at the end of that period , we see how they did.

Deputy Mayor Smith said in reference to the structuring of the lease and since we are paying them $189,000; can’t we require them to put *“x”* amount of dollars in an escrow account for maintenance. Mr. Murray said he thought so which is why he asked for the financial statements to benchmark what that would be. Deputy Mayor Smith asked if they would be subject to real estate tax. Mr. Murray said no and that’s another benefit in their favor.

Ms. Campbell said this is due on the 19th. Mr. Murray said yes. Ms. Campbell said our next meeting is on the 15th so can’t we table this. Mayor Flaute said it’s up to council, we’ve been asked to do it tonight.

Mrs. Reynolds said the Eintracht Group now – do we have any idea of their financial standing for the past year and have we looked at any of those documents to see where they are at. She said she is wondering if it is easier to just look at them as caretakers. Mr. Chodkowski said he is not directly familiar with their filings; in conversation he’s had with Mr. Ivory, he indicated that their membership has continued to decline and that they are accessing some of their reserves to address some of these concerns. He said to keep in mind there are several benefits to the project particularly they will be absolved of the real estate tax. Mr. Chodkowski said the primary insurance on the property will carried by the city and they will have supplemental policies. He said those are additional benefits to them; what performance conditions we provide within the lease arrangement will obviously factor into their long term planning but he thinks at least for their current membership they want to prolong the club and its activities. He said he doesn’t have great belief that their organization will continue indefinitely but he thinks they hope it will; they are cognizant of the fact that they need to change the nature of their organization to recruit younger members and they understand they are in a negative cash flow situation. Mrs. Reynolds said so they need a home and some way to maintain their organizational activities. Mr. Chodkowski said they do and he thinks that based on these arrangements the tax burden and insurance burden might put them much closer to a revenue/expense neutral position that what they’ve had in previous years. Mrs. Reynolds said so looking at a third party; there would be days the city uses the facility, days the club would use the facility and on the other days when the facility is rented, those funds would go into the city’s coffers. Mr. Murray said right. Mrs. Reynolds said as Mr. Fullenkamp stated, we know the group might not be able to handle all the maintenance, so would those funds become like a rotary fund that would maintain the building or enhance it. She asked what the city would do with the dollars realized from the rental of that facility. Mr. Chodkowski said the discussion of that being a revenue generator has been theoretical and he would need to talk with Mr. Gillian to determine what he thought would be the best way to record those revenues. He said his recommendation would be that if the purpose of this facility is to offer recreation in a variety of ways that any revenue might be dedicated to just such purpose. He said whether or not it’s specific to Eintracht or any other recreational program within the city he thought would be debatable by council and there are obvious reasons why one would want to limit the area of those revenues and other reasons why council might not want to do that. He said until he has an opportunity to talk to Mr. Gillian he doesn’t want to say for sure but we would definitely have revenue from this property. Mrs. Reynolds said there could be some real opportunities there to benefit the recreational aspect.

With no further discussion, all were in favor; none were opposed. **Motion passed.**

A motion was made by Mr. Schock to suspend the rule dictating the number of days between consecutive readings of ordinances. Mr. Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

A motion was made by Mrs. Reynolds to read Ordinance No. 11-O-474 for the second time by title only and approve its final adoption. Mr. Schock seconded the motion.

The clerk read Ordinance No. 11-O-474 for the second time by title only and Mayor Flaute asked if there were any questions or discussion from council.

Being none; a roll call vote was as follows: Mrs. Reynolds, yes; Mr. Schock, yes; Ms. Campbell, abstain; Mr. Denning, yes; Mr. Fullenkamp, yes; Deputy Mayor Smith, yes; and Mayor Flaute, yes. **Motion passed.**

# RESOLUTIONS

* + 1. **Resolution No. 11-R-1587 setting forth appointment of Jerry Richardson to the Board of Zoning Appeals for the remainder of the term ending April 6, 2015.**

A motion was made by Mr. Schock to approve Resolution No. 11-R-1587. Mr. Denning seconded the motion. All were in favor; none were opposed. **Motion passed.**

* + 1. **Resolution No. 11-R-1588 authorizing the Riverside Jaycees to place temporary promotional signs in the public right of way under certain terms and conditions.**

A motion was made by Mr. Schock to approve Resolution No. 11-R-1588. Deputy Mayor Smith seconded the motion. All were in favor; none were opposed. **Motion passed.**

 **c. Resolution No. 11-R-1589 authorizing the City Manager to submit an application to the State of Ohio for Clean Ohio funds in the amount of $189,000 for the purchase of 5.906 acres of land located at 2707 Old Troy Pike in Riverside, Montgomery County, Ohio.**

Mr. Chodkowski said pursuant to council’s discussion on Ordinance No. 11-O-474 this resolution is to authorize submittal of a grant request to the State of Ohio for the Eintracht Club Recreational Project in the amount of $189,000.

A motion was made by Mr. Schock to approve Resolution No. 11-R-1589. Deputy Mayor Smith seconded the motion. A roll call vote was as follows: Mr. Schock, yes; Deputy Mayor Smith, yes; Ms. Campbell, abstain; Mr. Denning, yes; Mr. Fullenkamp, yes; Mrs. Reynolds, yes; and Mayor Flaute, yes. **Motion passed.**

**ITEM 16: PUBLIC COMMENT ON NON-AGENDA ITEMS:** Mr. Curtis Haddix of Byesville said he has been a resident of Riverside for 24 years. He explained an incident between his wife and some neighbors regarding kids playing basketball and bouncing the ball off his wife’s car. He said it escalated and his wife ended up with a fractured arm and possible concussion. He said the neighbor filed assault charges and in court his wife was told if she pleads guilty to a disorderly conduct they would drop the charges. He said he wanted to know why the police said they couldn’t file assault charges on the neighbor.

Mayor Flaute thanked him for the information and asked Mr. Haddix to speak with Police Chief Reiss after the meeting.

**ITEM 17: COUNCILMEMBER COMMENTS:** Mr. Schock said he would like to put a discussion on the agenda about traffic cameras at intersections. He distributed information to council and said these are statistics of the accidents that have occurred at the listed intersections. He asked everyone to digest the information and then see if there is something they can do to help maintain the safety of the lives of the people that cross these intersections. He said it’s alarming how many accidents occurred and he would like to get into more dramatic statistics but they don’t keep records like that. Mayor Flaute said Mr. Schock is welcome to put that on the agenda. Ms. Campbell said in the past we’ve discussed putting cameras up at the intersections so maybe that list could be a start. Mr. Denning asked if we could wait until January and Mayor Flaute said it’s going to be busy but we’ll work it in. Mr. Schock said he would let the City Manager decide when to slip it in. Mayor Flaute said council members are welcome to put anything on the agenda they want and there is a company out there that does this. Mr. Schock said it would pay for itself; almost like having an officer at every intersection and a good preventative we can do.

Mr. Denning said 2,983 – does anyone know what that number signifies? He said it’s the number people that died on September 11, 2001. He said this September 11th the Riverside Jaycees will be passing out flags in front of city hall in remembrance of 9/11. He said we will start at 11:30 a.m. and continue until 1,500 flags are gone. He said you are all more than welcome to help us pass them out. Mr. Schock asked if they were going to give them to passing cars. Mr. Denning said yes. Deputy Mayor Smith said the Jaycees did that last year. Mr. Denning said not last year; we did it every year from 2002 until about 3 years ago. He said public frustration with the situation and the feedback we were getting was not always positive so we decided to wait until the 10th year. He said there is also a cost associated with it but we are doing it again this year for the 10th anniversary.

Deputy Mayor Smith said he attended the MVRPC meeting this morning and he wanted to go over a couple things with council. He said we are on track with the widening of Rt. 35 from the Steve Whalen Avenue area all the way to 675. Mr. Schock asked what date. Deputy Mayor Smith said 2012. He said also there is an issue before congress that’s going to expire, the Safety LU Funds, these are federal transportation funds and are dollars used to repair our roadways. He said it is also related to our fuel tax. He said we need to get that passed and they are asking that we contact our Congressmen. Mayor Flaute asked if he would send an email on that and Deputy Mayor Smith said yes. Mayor Flaute said we really need to get this passed and asked the council members to send a letter or email to the Congressmen.

Deputy Mayor Smith said speaking of infrastructure, the Planning Commission brought to our attention this new Surface Transportation program – Congestion, Mitigation, and Air Quality. He said funds are available and we can use these funds to pave our roads but we have to apply by October 13th of this year. He said there are certain criteria you have to meet and he thought it sounded good as he was reading through the material but the funds aren’t available until 2017. Mr. Chodkowski said right; it’s a 5 year lag program and you have to hold money in reserve until your time frame comes up. He said previously we applied for CMAQ money on the relocation of the stop light at Airway Shopping Center and InfoCision and we had to return our engineering money for that because we couldn’t hold it long enough. Deputy Mayor Smith said he would leave the information with the City Manager. He said there is another program out there too Transportation Enhancement which is for bus stop shelters.

Mr. Fullenkamp said he wanted to thank the folks who worked so hard at the festival this weekend; they did a good job. He said he was reading the Chamber Newsletter and he saw the folks who put the playground equipment up at Overlook are looking for work. He said he forwarded the information to a member of the Parks & Recreation Commission and he’s hoping we can work with them. He said he thought something like this would be a great community builder getting people involved in doing something for their city.

Mrs. Reynolds thanked the festival committee and said she appreciated it very much. She also thanked the staff for all they do. She told Mr. Denning she appreciated the flags on 9/11 because she thinks we all need to remember the 2,900 people who didn’t have the opportunity to grow a year older; to see a child born; marry the love of their life; live to complete their bucket list; and you have to ask yourself why. She said it’s because someone didn’t want them to have those opportunities. She said we have to always be thankful for the freedoms we have and she wants to thank our Police, our Fire, our Military, and all those that help protect us everyday so we don’t have to worry about that happening again.

Mayor Flaute said the festival was wonderful and if you missed it, you really missed a great time. He said all the vendors were saying they did at least as well as they did last year or better, most of them were saying better. He said we are building that festival and it’s getting bigger and better every year.

Mayor Flaute said he had a meeting with State Representatives Blair, Butler, and Lehner and one of the things the state is trying to push through is having one tax collection at the state level. He said the only problem is they want to charge us 5% to do that. He said if any of you hear that is coming up, we need to fight that big time because we only pay 2 ½ % and they want to charge us 5%. He said there was also some discussion about Internet Cafes and they don’t believe that legislation is going to be coming forward. He said they are coming at us and we need to keep abreast of that; it doesn’t look like the state is going to approve HB 195. He said whatever we have to do to keep it in place or whatever we are going to do with it; we should go ahead.

Mayor Flaute said he went to the Chamber dinner last week at Gyro Palace and it was a great time. He said it’s great for our city and those keep getting bigger and better all the time. He said he represented the city at the 65th Anniversary Ball of the Air Force and had good discussion there. He said he also went to the farewell to General Wolfenbarger; she was wonderful and we are going to miss her a lot – a good General and she cared a lot about Riverside. He said he went to the grand opening of the Montgomery County Fair which will be going on until Labor Day. He wished everyone a good Labor Day holiday.

**ITEM 18: ADJOURNMENT:**  A motion was made by Mr. Denning to adjourn. Ms. Campbell seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 9:34 p.m.

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William R. Flaute, Mayor Clerk of Council